

REMARKS

In view of the following remarks, Applicant respectfully requests reconsideration and allowance of the subject application. As noted above, the claims are correctly renumbered in the detailed list of claims, and references to claims in this Remarks section are made with respect to the new, corrected numbers, along with a parenthetical reference to the old, incorrect claim numbers to enable the Office to more easily review this Response.

§102 Rejections

Claims 31, 32, 35-37, 46, 47, and 50-52 (previously 12, 13, 16-18, 27, 28, and 31-33, respectively) are rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Kremen et al. (5,706,434). Applicant respectfully traverses the rejection.

Claims 31-33, 37-39, 46-48, and 52-54 (previously 12-14, 18-20, 27-29, and 33-35, respectively) are rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Goertzel et al. (6,208,952). Applicant respectfully traverses the rejection.

Independent claim 31 (previously 12) recites in part:

receiving multiple communications requests from a client, each request employing a different network protocol and each request requesting that a server respond to such request using the same network protocol employed by that request;

responding to one of the requests using the same network protocol employed by that request.

1 Kremen teaches generating abstract data objects from a request received
2 from any *one* of a plurality of communication protocols. In Kremen, a single
3 request is received, and a determination is made as to which communication
4 protocol from a group of protocols was used to transmit the request. An abstract
5 data object is then generated which is *independent* of the communication
6 protocols. An object deliverer formats the object for outgoing transmission
7 *according to a protocol of an intended recipient* of the data object. (col. 5, lines
8 21-31, lines 38-59).

9 By contrast, Applicant's independent claim 31 recites receiving multiple
10 communications requests from a client where each request employs a different
11 network protocol. Furthermore, "each request request[s] that a server respond to
12 such request using the same network protocol employed by that request".
13 Responses from the server employ the same network protocol employed by the
14 corresponding request. Kremen's teaching is contrary to the elements of claim 31
15 in various ways.

16 For example, nowhere does Kremen mention or imply receiving multiple
17 requests from a client where each of the requests employs a *different* network
18 protocol. Furthermore, although a single request in Kremen may be sent by "any
19 one of a plurality of communication protocols", the request does *not* request that
20 the server respond to the request using the same network protocol. Instead,
21 Kremen determines which protocol was used to transmit the request, and then
22 generates an abstract data object that is *independent* of the protocols.

23 In addition, Kremen teaches transmitting data objects to intended recipients
24 "according to a protocol of an intended recipient of the data object". A data object
25 in Kremen is therefore *not* transmitted using a protocol according to "the same

1 network protocol employed by its corresponding request" as recited in claim 31.
2 Rather, the protocol used in Kremen is based on a protocol according to an
3 intended recipient. In Kremen, the intended recipient does not have to be the
4 client making the request, nor does the protocol used have to be "the same
5 network protocol employed by that request".

6 For at least these reasons, it is clear that Kremen does not teach all the
7 elements of Applicant's claim 31. A claim is anticipated only if each and every
8 element as set forth in the claim is found, either expressly or inherently described, in
9 a single prior art reference (MPEP 2131). It is clear that Kremen does not teach at
10 least the various elements of Applicant's claim 31 as recited above. Accordingly, the
11 102(e) rejection to Applicant's claim 31 based on Kremen is not supported and
12 should be removed. Applicant respectfully requests that the 102(e) rejection of claim
13 31 based on Kremen be removed.

14 Goertzel teaches delaying registration of a protocol for communicating
15 between a client process and a server process on a computer system until the client
16 process requests to communicate with the server process using that protocol. A
17 communications process executes on the same computer as the server process and
18 registers each protocol installed on the server computer system. A client process
19 requests to communicate with a server process by sending a message to the
20 communications process via a protocol that the client process supports. The
21 communications process notifies the server process to register the protocol
22 identified in the request. The server process registers the protocol and returns an
23 assigned server remote endpoint to the communications process. The
24 communications process then returns the server remote endpoint to the client
25

1 process, which the client process can use to directly communicate with the server
2 remote process. (col. 3, lines 25-44; col. 4, lines 12-35).

3 As noted above, Applicant's independent claim 31 recites receiving
4 multiple communications requests from a client where each request employs a
5 different network protocol. Furthermore, "each request request[s] that a server
6 respond to such request using the same network protocol employed by that
7 request". Responses from the server employ the same network protocol employed
8 by the corresponding request. Goertzel's teaching is contrary to the elements of
9 claim 31 in various ways.

10 Goertzel does *not* teach receiving *multiple communications requests* from
11 a single client where each request employs a *different* network protocol. This
12 contradicts the purpose of Goertzel, which is to delay the registration of a protocol
13 "until a client process actually requests to communicate via that protocol" (col. 3,
14 lines 41-44). For example, if the communications process in Goertzel received
15 multiple communications requests from a single client where each request
16 employs a different network protocol, the result based on Goertzel's own
17 teachings, would be that the server would be notified by the communications
18 process to register each of the *multiple, different* protocols identified in the
19 multiple requests. The server process would then register each of the multiple,
20 different protocols. Such a result is contrary to the delayed registration purpose of
21 Goertzel's teachings. Goertzel states that "there is substantial overhead involved
22 in registering a protocol, which, of course, is unnecessary if no client
23 communicates with the server using that protocol during the execution of the
24 server". (col. 3, lines 10-14)..

1 It is thus apparent that Goertzel does *not* teach receiving multiple
2 communications requests from a client where each request employs a different
3 network protocol. For at least these reasons, it is clear that Goertzel does not teach
4 all the elements of Applicant's claim 31. Accordingly, the 102(e) rejection to
5 Applicant's claim 31 based on Goertzel is not supported and Applicant respectfully
6 requests that the rejection be removed.

7 Claims 32-36 depend from claim 31 and thereby incorporate each of the
8 elements of claim 31. Therefore, claims 32-36 are allowable by virtue of at least
9 this dependency from allowable claim 31 and for the additional elements recited
10 therein which are neither shown nor suggested by the cited references. Applicant
11 therefore respectfully requests withdrawal of any §102(e) rejection of claims 32-
12 36 based on the cited references. Specifically, the §102(e) rejection of claims 32,
13 35, and 36, based on Kremen should be withdrawn, and the §102(e) rejection of
14 claims 32 and 33 based on Goertzel should be withdrawn.

15 Independent claim 37 (previously 18), which has also been rejected under
16 35 U.S.C. §102(e) as allegedly being anticipated by both Kremen and Goertzel,
17 recites in part:

18 sending multiple communications requests to a server from a
19 client, each request employing a different network protocol and each
20 request requesting that the server respond to such request using the
same network protocol employed by that request;

21 receiving one or more responses from the server, wherein each
22 response corresponds to one of the multiple requests and each response
23 employs the same network protocol employed by its corresponding
24 request.
25

1 As discussed above, Kremen teaches generating abstract data objects from a
2 request received from any *one* of a plurality of communication protocols. In
3 Kremen, a single request is received, and a determination is made as to which
4 communication protocol from a group of protocols was used to transmit the
5 request. An abstract data object is then generated which is *independent* of the
6 communication protocols. An object deliverer formats the object for outgoing
7 transmission according to a protocol of an intended recipient of the data object.
8 (col. 5, lines 21-31, lines 38-59).

9 By contrast, Applicant's independent claim 37 recites sending multiple
10 requests from a client to a server where each request employs a different network
11 protocol. Furthermore, "each request request[s] that the server respond to such
12 request using the same network protocol employed by that request". Responses
13 from the server each employ the same network protocol employed by the
14 corresponding request. This is contrary to Kremen in various ways.

15 For example, nowhere does Kremen mention or imply sending multiple
16 requests from a client to a server where each of the requests employs a *different*
17 network protocol. Furthermore, although a request in Kremen may be sent by
18 "any one of a plurality of communication protocols", the request does *not* request
19 that the server respond to the request using the same network protocol. Kremen
20 determines which protocol was used to transmit the request, but then generates an
21 abstract data object that is *independent* of the protocols.

22 In addition, Kremen teaches transmitting data objects to intended recipients
23 "according to a protocol of an intended recipient of the data object". A data object
24 in Kremen is therefore *not* transmitted using a protocol according to "the same
25 network protocol employed by its corresponding request" as recited in claim 37.

1 Rather, the protocol used in Kremen is based on a protocol according to an
2 intended recipient. The intended recipient does not have to be the client making
3 the request, nor does the protocol used have to be "the same network protocol
4 employed by its corresponding request".

5 For at least these reasons, it is clear that Kremen does not teach all the
6 elements of Applicant's claim 37. Accordingly, the 102(e) rejection to Applicant's
7 claim 37 based on Kremen is not supported and should be removed. Applicant
8 respectfully requests that the 102(e) rejection of claim 37 based on Kremen be
9 removed.

10 Regarding the 102(e) rejection of claim 37 based on Goertzel, Goertzel
11 does *not* teach sending *multiple requests* from *a client* to a server where each
12 request employs a *different* network protocol. As noted above, this would
13 contradict the purpose of Goertzel, which is to delay the registration of a protocol
14 "until a client process actually requests to communicate via that protocol" (col. 3,
15 lines 41-44). If the communications process in Goertzel received multiple
16 communications requests from a single client where each request employs a
17 different network protocol, the result based on Goertzel's own teachings, would be
18 that the server would be notified by the communications process to register each
19 of the *multiple, different* protocols identified in the multiple requests. The server
20 process would then register each of the multiple, different protocols. Such a result
21 is contrary to the delayed registration purpose of Goertzel's teachings. Goertzel
22 states that "there is substantial overhead involved in registering a protocol, which,
23 of course, is unnecessary if no client communicates with the server using that
24 protocol during the execution of the server". (col. 3, lines 10-14).

1 It is thus apparent that Goertzel does *not* teach sending multiple requests
2 from a client to a server where each request employs a different network protocol,
3 as generally recited in Applicant's claim 37. For at least these reasons, it is clear
4 that Goertzel does not teach all the elements of Applicant's claim 37.
5 Accordingly, the 102(e) rejection to Applicant's claim 37 based on Goertzel is not
6 supported and Applicant respectfully requests that the rejection be removed.

7 Claims 38-45 depend from claim 37 and thereby incorporate each of the
8 elements of claim 37. Therefore, claims 38-45 are allowable by virtue of at least
9 this dependency from allowable claim 37 and for the additional elements recited
10 therein which are neither shown nor suggested by the cited references. Applicant
11 therefore respectfully requests withdrawal of any §102(e) rejection of claims 38-
12 45 based on the cited references. Specifically, the §102(e) rejection of claims 38
13 and 39 based on Goertzel should be withdrawn.

14 Independent claim 46 (previously 27), which has also been rejected under
15 35 U.S.C. §102(e) as allegedly being anticipated by both Kremen and Goertzel,
16 recites in part:

17 a receiver configured to receive multiple communications
18 requests from a client, such requests employing differing network
19 protocols; and

20 a responder configured to respond to one of the requests using
21 the same network protocol employed by that request.

22 The elements of claim 46 parallel those already discussed above regarding
23 independent claims 31 and 37. Thus the arguments presented above apply equally
24 to claim 46. Neither Kremen nor Goertzel teach receiving multiple
25 communications requests from a single client, where the requests employ differing
network protocols. Also, in Kremen, protocols used are based on an intended

1 recipient and are *not* based on “using the same network protocol employed by that
2 request”, as recited in claim 46. In Goertzel, the delayed registration process is
3 contrary to receiving “multiple communications requests from a client, such
4 requests employing differing network protocols”, and Goertzel does *not* teach
5 “multiple communications requests from a client, such requests employing
6 differing network protocols”.

7 For at least these reasons, it is clear that neither Kremen nor Goertzel teach
8 all the elements of Applicant’s claim 46. Accordingly, the 102(e) rejection to
9 Applicant’s claim 46 based on these references is not supported and Applicant
10 respectfully requests that the rejection be removed.

11 **Claims 47-51** depend from claim 46 and thereby incorporate each of the
12 elements of claim 46. Therefore, claims 47-51 are allowable by virtue of at least
13 this dependency from allowable claim 46 and for the additional elements recited
14 therein which are neither shown nor suggested by the cited references. Applicant
15 therefore respectfully requests withdrawal of any §102(e) rejection of claims 47-
16 51 based on the cited references. Specifically, the §102(e) rejection of claims 47,
17 50, and 51, based on Kremen should be withdrawn, and the §102(e) rejection of
18 claims 47 and 48 based on Goertzel should be withdrawn.

19 **Independent claim 52** includes elements which parallel elements discussed
20 above regarding independent claims 31, 37, and 46. Specifically, claim 52 recites
21 “send[ing] multiple communications requests to a server, each request employing
22 a different network protocol and requesting that the server respond using the same
23 network protocol employed by that request”. Accordingly, the above discussion
24 and argument apply equally to the §102(e) rejection of claim 52 as they do to the
25 §102(e) rejection of claims 31, 37, and 46, above.

1 Therefore, neither Kremen nor Goertzel teach all the elements of
2 Applicant's claim 52. Accordingly, the 102(e) rejection to Applicant's claim 52
3 based on these references is not supported and Applicant respectfully requests that
4 the rejection be removed.

5 Claims 53-60 depend from independent claim 52, and thereby incorporate
6 each of the elements of independent claim 52. Therefore, claims 53-60 are
7 allowable by virtue of at least their respective dependency from allowable claim
8 52 and for the additional elements recited therein which are neither shown nor
9 suggested by the cited references. Applicant therefore respectfully requests
10 withdrawal of any §102(e) rejection of claims 53-60 based on the cited references.
11 Specifically, the §102(e) rejection of claims 53 and 54 based on Goertzel should
12 be withdrawn.

13
14 **§103 Rejections**

15 Claims 34, 42, 43, 48, 49, and 57 (previously 15, 23, 24, 29, 30, and 38)
16 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over
17 Kremen et al., in view of Goertzel et al. Applicant respectfully traverses the
18 rejection.

19 As noted above regarding the §102(e) rejections, the Kremen reference and
20 the Goertzel reference do not, individually, teach all the elements of Applicant's
21 independent claims, 31, 37, 46, and 52, or the claims that depend therefrom.
22 Furthermore, when combined, the Kremen reference and the Goertzel reference
23 fail to teach or suggest all the elements of Applicant's independent claims.
24 Specifically, neither Kremen nor Goertzel teach a single client or transmitter
25 sending multiple communications requests to a server where each request employs

1 a different network protocol. Goertzel, in fact *teaches away* from this notion.
2 Based on Goertzel's own teachings, multiple communications requests from a
3 single client that each employ a different network protocol would cause the server
4 in Goertzel to register each of the multiple, different protocols. This is contrary to
5 the purpose of delayed registration taught by Goertzel.

6 From the above discussion, including that regarding the §102(e) rejections,
7 it is apparent that the Kremen reference and the Goertzel reference do not,
8 individually or in combination, teach all the elements of Applicant's independent
9 claims, 31, 37, 46, and 52, or the claims that depend therefrom. Therefore,
10 Kremen and Goertzel fail to teach or suggest the elements of claims 34, 42, 43, 48,
11 49, and 57.

12 It is well established that a prima facie case of obviousness requires, among
13 other things, that the prior art reference (or references when combined) teach or
14 suggest all the claim limitations (MPEP 2142, 2143). Because Kremen and
15 Goertzel, individually or in combination, fail to teach or suggest the elements of
16 claims 34, 42, 43, 48, 49, and 57, the §103(a) obviousness rejection cannot stand.
17 Applicant therefore respectfully requests that the §103(a) rejection to claims 34,
18 42, 43, 48, 49, and 57, be removed.

20 Allowability of New Claims

21 New independent claim 61 includes elements which parallel elements
22 discussed above regarding independent claims 31, 37, and 46. Specifically, claim
23 61 recites "sending multiple requests to a server from a client, each request
24 employing a different network protocol and requesting that the server respond
25 using the same network protocol employed by that request". Accordingly, the

1 above discussion and argument applied to the §102(e) rejection of claims would be
2 equally applicable to indicate claim 61 is allowable over the cited art.

3 New dependent claims 62-64 depend from independent claim 61, and
4 thereby incorporate each of the elements of independent claim 61. Therefore,
5 claims 62-64 are allowable over the cited art by virtue of at least their respective
6 dependency from claim 61.

7
8 **Conclusion**

9 All pending claims are believed to be in condition for allowance. Applicant
10 respectfully requests reconsideration and prompt issuance of the present
11 application. Should any issue remain that prevents immediate issuance of the
12 application, the Examiner is encouraged to contact the undersigned attorney to
13 discuss the unresolved issue.

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15 Respectfully Submitted,

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18 Dated: 02/17/04

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